

Scott E. Ortiz, W.S.B. # 5-2550
WILLIAMS, PORTER, DAY & NEVILLE, P.C.
159 No. Wolcott, Suite 400
P.O. Box 10700
Casper, Wyoming 82602
Telephone: (307) 265-0700
Facsimile: (307) 266-2306
Email: sortiz@wpdn.net

Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

CUSTODIA BANK, INC.,)
)
Plaintiff,)
)
v.) Civil Number: 22-cv-00125-SWS
)
FEDERAL RESERVE BOARD OF)
GOVERNORS and FEDERAL RESERVE)
BANK OF KANSAS CITY,)
)
Defendants.)

**PLAINTIFF CUSTODIA BANK, INC.’S
UNOPPOSED MOTION TO REDACT OR SEAL PORTIONS OF ITS OMNIBUS OPPOSITION / REPLY
BRIEF AND OPPOSITIONS TO THE FEDERAL RESERVE BANK OF KANSAS CITY’S MOTIONS TO
EXCLUDE PLAINTIFF’S EXPERT WITNESSES**

Plaintiff Custodia Bank, Inc. (“Custodia”) respectfully submits this unopposed motion to redact or seal portions of its forthcoming Omnibus Opposition / Reply Brief and opposition briefs to the motions to exclude Custodia’s expert witnesses submitted by the Federal Reserve Bank of Kansas City (“Omnibus Opposition / Reply and *Daubert* Oppositions”) that reference documents or testimony designated confidential by one or more of the Defendants.

On July 21, 2023, the parties filed a Joint Motion to Enter a Stipulated Protective Order Regarding Confidential Information and Documents (the “Protective Order”). (*See* ECF No. 173-1.) Pursuant to that Order (ECF No. 174), Defendants Federal Reserve Board of Governors

(“Board”) and Federal Reserve Bank of Kansas City (“Kansas City Fed”) have designated documents produced in discovery and deposition testimony as “Confidential.”

The parties have met and conferred in advance of filing on several occasions, and Defendants have agreed to withdraw confidentiality designations from some, but not all, of the documents Custodia intends to cite.

Because Custodia’s Omnibus Opposition / Reply and *Daubert* Oppositions cite to and attach some materials designated “Confidential” by the Board or the Kansas City Fed, Plaintiff Custodia respectfully requests leave to temporarily file its Omnibus Opposition / Reply and *Daubert* Oppositions under seal through February 21, 2024, (the “Review Period”) in order to comply with the terms of the Protective Order. During the Review Period, Defendants will redact the Omnibus Opposition / Reply and *Daubert* Oppositions and their respective attached exhibits and advise Custodia as to which exhibits must remain under seal in accordance with the Protective Order. On February 21, 2024, Custodia will then file its Omnibus Opposition / Reply and *Daubert* Oppositions and their respective attached exhibits on the public docket with Defendants’ proposed redactions and sealing, while reserving the right to challenge Defendants’ confidentiality designations. Defendants consent to Custodia’s requested relief.

DATED this 15th day of February, 2024.

CUSTODIA BANK, INC., Plaintiff

By: /s/ Scott E. Ortiz
Scott E. Ortiz, W.S.B. # 5-2550
WILLIAMS, PORTER, DAY & NEVILLE, P.C.
159 No. Wolcott, Suite 400
P.O. Box 10700
Casper, Wyoming 82602
Telephone: (307) 265-0700
Facsimile: (307) 266-2306
Email: sortiz@wpdn.net

-and-

John K. Villa, *pro hac vice*
Ryan Scarborough, *pro hac vice*
Lauren Weinberger, *pro hac vice*
Ian Swenson, *pro hac vice*
Russell Mendelson, *pro hac vice*
WILLIAMS & CONNOLLY, LLP
680 Maine Avenue SW
Washington, DC 20024
Telephone: (202) 434-500
Emails: jvilla@wc.com
rscarborough@wc.com
lweinberger@wc.com
iswenson@wc.com
rmendelson@wc.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served this day of February 15, 2024, addressed to:

Mark Van Der Weide
 Joshua P. Chadwick
 Yvonne F. Mizusawa
 Yonatan Gelblum
 Katherine Pomeroy
 BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
 20th Street and Constitutional Avenue, N.W.
 Washington, DC 20551

- U.S. Mail (Postage Prepaid)
 Email
 Overnight Delivery
 Hand Delivery
 CM/ECF System

Billie L.M. Addleman
 John P. Fritz
 Erin E. Berry
 HIRST APPLEGATE, LLP
 P.O. Box 1083
 Cheyenne, Wyoming 82003

- U.S. Mail (Postage Prepaid)
 Email
 Overnight Delivery
 Hand Delivery
 CM/ECF System

Andrew Michaelson
 Laura Harris
 KING & SPALDING, LLC
 1185 Avenue of the Americas, 34th Floor
 New York, New York 10036

- U.S. Mail (Postage Prepaid)
 Email
 Overnight Delivery
 Hand Delivery
 CM/ECF System

Jeffrey S. Bucholtz
 Joshua N. Mitchell
 Christine M. Carletta
 Emily Caroline Snell Freeman
 KING & SPALDING, LLP
 1700 Pennsylvania Ave., N.W.
 Washington, D.C. 20006

- U.S. Mail (Postage Prepaid)
 Email
 Overnight Delivery
 Hand Delivery
 CM/ECF System

Angela Tarasi
 Jared M. Lax
 KING & SPALDING, LLP
 1401 Lawrence Street
 Suite 1900
 Denver, Colorado 80202

- U.S. Mail (Postage Prepaid)
 Email
 Overnight Delivery
 Hand Delivery
 CM/ECF System

/s/ Scott E. Ortiz
 Scott E. Ortiz